

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/560,452 Confirmation No.: 3000
Applicant(s) : Andreas LENDLEIN et al.
Title : STENTS
Filed : June 14, 2006
TC/A.U. : 3731
Examiner : Thomas M. McEvoy
Docket No. : 26538-0016
Customer No. : 24633

PETITION UNDER 37 C.F.R. § 1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file a Request for Continued Examination with the submission of a Response to the Final Rejection. The date of abandonment is the day after the expiration date of the period set for the Response to the Final Rejection, which was January 31, 2009.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

(1) Petition Fee:

Petition fee under 37 C.F.R. § 1.17(m) in the amount of: \$810.00 is submitted with the filing on this petition.

(2) Reply and/or fee:

Payment for the Request for Continued Examination in the amount of \$405.00 is submitted with the filing of this petition.

Payment of the fee for excess claims [3 extra total claims above 30 @ \$52/claim] [large entity] in the amount of \$156.00 was submitted with the filing of the Response to the Final Rejection.

Payment for a three (3) month extension for filing the Response to the Final Rejection [\$555] was submitted with the filing of the Response to the Final Rejection.

A total payment of \$1,215.00 is submitted with the filing of the Petition for Revival.

(3) Terminal Disclaimer:

Since this National Stage application was filed on or after June 8, 1995, no terminal disclaimer is required.

(4) Statement:

Applicants' representative states the entire delay in paying the fee for a Request for Continued Examination from the due date for the required fee until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Evidence in Support of Unintentional Delay

On April 30, 2009, Applicants filed by EFS-Web a Preliminary Amendment and Response to Previous Final Rejection, payment for a 3 month extension to file a response and payment for 3 extra total claims. The application was to have been filed with a Request for Continued Examination; however, due to a clerical error the fee for the RCE was not submitted with the filing of the Preliminary Amendment and Response to Previous Final Rejection.

An Advisory Action was mailed on May 21, 2009 informing Applicants that the response to the Final Rejection was submitted on the last day of the 6 month period and the amendments to the claims would not be entered. The Advisory Action was the first document received from the Patent Office indicating there was a problem due to the failure to pay the RCE filing fee.

Thus, it is respectfully requested that this petition be granted on the foregoing grounds

Summary and Conclusion

The Commissioner is hereby authorized to charge any additional fees that may be required, now or in the future. If there are any fees due in connection with the filing of this petition, please charge the fees to our Deposit Account No. 50-1349.

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: June 17, 2009

By: /KOH/

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